

IN THE UNITED STATES EASTERN DISTRICT COURT OF
BEAUMONT, TEXAS, 77704

FILED

OCT 20 2008

DAVID J. BALAND, CLERK

BY
DEPUTY

DANTANA D. TANKSLEY 1318602

PLAINTIFF

VS

CAUSE NO: 1:08-CV-555

STATE OF TEXAS T.D.C.J-ID

DEFENDANTS

MOTION TO DISMISS DISCIPLINARY 20080287377 -
DESTRUCTION OF EXCUIPATORY EVIDENCE

TO THE HONORABLE JUDGE SAID COURT

DANTANA D. TANKSLEY 1318602 PLAINTIFF, MOVES THE COURT
TO DISMISS THE ~~100~~ DISCIPLINARY 20080287377 FILED IN
THIS ABOVE-CAPTIONED THAT IS A FELONY UNDER THE LAWS
OF TEXAS, FOR THE FOLLOWING REASONS:

- (1) ON JUNE 26, 2008 THE PLAINTIFF WAS WROTE A FALSE
DISCIPLINARY I.D. AND A I.D. BY A OFFICER RETALIATING
AGAINST HE BECAUSE OF RACE OR COLOR."
- (2) I HAVE FILE FOR A CONFESSION GIVEN BY MY CELL, AND
THE SURVEILLANCE VIDEOTAPE OF THE POD AND OF THE
SECTION I WAS HOUSED.
- (3) THE PLAINTIFF CONTENDS THAT THE CONFESSION AND THE
SURVEILLANCE VIDEOTAPES WILL SHOW THIS INMATES ACTUAL
INNOCENCE AND THAT THIS ACT WAS NOTHING BUT RACE
RETAIATION ON PART OF RANKING OFFICER'S TO STOP PARDIE
AND PUT ON CLOSE CUSTODY."
- (4) THE PLAINTIFF HAS SUFFERED PREJUDICIAL HARM IN VIOLATION
OF THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT TO THE
UNITED STATE CONSTITUTION AND THE DUE COURSE OF LAW
CLAUSE OF ARTICLE 1, SECTIONS 13 AND 19 OF THE TEXAS CONSTI-
UTION, AND IN VIOLATION OF THE CONFRONTION CLAUSE OF THE
SIXTH AMENDMENT (U.S. CONST.) AND ART. 1, SEC. 10 (TEX. CONST.)

SEE UNITED STATE VS. VALENZUELA-BERNAL, 458 U.S. 858 (1982); ARIZONA VS. YOUNGBLOOD, 488 U.S. 51 (1988); MIGUEL VS. STATE, 864 S.W. 2d 493, 495 (TEX. CRIM. APP. 1993); BARRE VS STATE, 826 S.W. 2d 722, 723, 724 (TEX. APP. HOUSTON 14 DIST. 1992); GAMBOA VS. STATE, 774 S.W. 2d 111, 112-113 (TEX. APP-FORT WORTH 1989). IN CALIFORNIA VS. TROMBETTA, 467 U.S. 479, 488 (1984), THE SUPREME COURT HELD THAT THE U.S. CONSTITUTION IMPOSED AS A DUTY ON THE STATES TO PRESERVE EVIDENCE WHERE THE STATE COULD EXPECT THE EVIDENCE TO PLAY A SIGNIFICANT ROLE IN THE SUSPECT'S DEFENSE."

(5) WHERE LOST OR DESTROYED EVIDENCE IS MATERIAL AND EXCULPATORY, THE DEFENDANT'S RIGHTS AND IN THIS CASE THE PLAINTIFF RIGHTS TO DUE PROCESS UNDER THE FEDERAL CONSTITUTION IS VIOLATED, REGARDLESS OF WHETHER THE LOSS OR DESTRUCTION OCCURRED IN GOOD OR BAD FAITH ON PART OF THE PROSECUTION OR LAW ENFORCEMENT. ARIZONA VS YOUNGBLOOD 488 U.S. AT 57. IN LIGHT OF BRADY VS. MARYLAND, IN THIS SITUATION THE PROPER REMEDY IS TO DISMISS DISCIPLINARY 20080287377."

(6) WHEREFORE, THE PLAINTIFF PRAYS THAT THE COURT GRANT THIS MOTION AND DISMISS THE DISCIPLINARY AND RESTORE ALL GOOD TIME, CASS AND CUSTODY."

EXCUTED ON: SEPTEMBER 30, 2008.

X DANIANA D. TANKSLEY 1318607

MARK W STILES UNIT

3060 FM 3514

BEAUMONT, TEXAS. 77705

CERTIFICATE OF SERVICE

A TRUE AND CORRECT COPY OF THE PETITIONER'S
MOTION TO DISMISS DISCIPLINARY 20080282377 DESTRUCTION
OF EXCULPATORY EVIDENCE

WAS SENT BY U.S. MAIL TOO: U.S. EASTERN DISTRICT
COURT CLERK P.O. BOX 3507 BEAUMONT TEXAS 77707 AND
THE ATTORNEY GENERAL OF TEXAS P.O. BOX 12548
AUSTIN, TEXAS 78711-2548

EXCELUDED ON: SEPTEMBER 30 2008.

x *Mark W. Stiles* 1318607

MARK W. STILES UNIT
3060 FM 3514
BEAUMONT, TEXAS. 77705

"GOD BLESS"